

09/361,478 filed 07/26/1999
Parce et al.
Reply to Office Action of 05/19/2006

REMARKS/ARGUMENTS

Claims 1 and 3-15 are pending in the application. Claims 1 and 3-11 stand rejected, and claims 14 and 15 have been allowed. Claim 1 has been amended with this paper.

I. Claim rejections under 35 U.S.C. § 112, second paragraph

Claims 1 and 3-11 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as the invention. The Examiner stated that in claim 1, the body of the claim does not appear to support the preamble. The Examiner very helpfully suggested wording for amending the claim to provide a tangible result that would then support the preamble, and Applicants have followed the Examiner's suggestion to add "in order to analyze the fluids in the microfluidic device" to the last step of the claim. Withdrawal of the rejection of claim 1 under § 112, second paragraph, is, therefore, respectfully requested. Applicants thank the Examiner for providing clear and specific directions for overcoming the rejection.

With the amendment to claim 1, claims 3-11 no longer depend from a claim deemed by the Examiner to be indefinite and so are no longer themselves indefinite. Withdrawal of the rejection of claims 3-11 under § 112, second paragraph, is also respectfully requested.

II. Claim rejections under 35 U.S.C. § 101

Claims 1 and 3-11 were rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. As previously stated, the claim has been amended as suggested by the Examiner. Withdrawal of the rejection of claim 1 under § 101 is, therefore, respectfully requested.

With the above-described amendment to claim 1, claims 3-11 no longer depend from a claim deemed by the Examiner to be directed to non-statutory subject matter and so are no longer themselves directed to non-statutory subject matter. Withdrawal of the rejection of claims 3-11 under § 101 is also respectfully requested.

III. Allowed Claims

Applicants thank the Examiner for allowing claims 14 and 15.

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CONCLUSION

For the foregoing reasons, Applicants believe all the pending claims (claims 1 and 3-15) are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned attorney.

Respectfully submitted,

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 14, 2006, by Debra B. Burns.

Signed: Debra B. Burns